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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,576	06/29/2001	Jean-Marc Villaret	10013448-1	7792

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
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3692

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/896,576

Applicant(s)

VILLARET ET AL.

Examiner

Clement B. Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6,8-10 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-10 and 12-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-6, 8-10, and 12-17, remained pending.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8-10, and 12-17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsiounis et al (Hereinafter Tsiounis U.S Pub: 20010039535) in view of Garnet U.S Patent 7, 013, 352.

As per claim 1, Tsiounis discloses a payment processing system comprising: a plurality of data communications devices adapted to transmit a plurality of payment requests in connection with purchases, each data communications devices configured to transmit the payment requests via a communication channels of one of a plurality of protocol types, wherein each protocol type is different from others of the plurality of protocol types (i. e, protocols" see paragraphs 0025 and 0008") and each payment request includes a merchant identification code(i. e, merchant id number" see paragraph 0036) and a set of customer financial account data.(see note abstract and see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069) a payment server(see paragraph 00080) arrangement including a database configured with a plurality of merchant identification codes, each merchant identification code associated with a financial institution identification code in the database the payment server arrangement further including a plurality of adapter modules coupled to the database, each adapter module executable on the server arrangement, compatible with one of the plurality of protocol types see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069), and coupled to a respective one of the communications channels, each having a payment processing application configured to identify from the database a financial institution identification code associated with the merchant identification code from a payment request and interface with a data processing system of a the-financial

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institution identified by the financial institution identification code consistent with a communications protocol associated with the identified financial institution, see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069) and provide the merchant identification code and set of customer financial account data to the identified financial institution for payment to a merchant identified by the merchant identification code and receive the payment requests from the data communications devices. see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069)

Tsiounis fail to explicitly teach adapter module adapted respective channels each of the adapter modules.

However Garnet discloses for example a blade server can be provided for a high density computer system. To enhance reliability, multiple redundant information connections can be provided from the server blade. In the specifically described examples of the invention, the use of a serializer/deserializer as a physical layer interface in a blade server means that the communication of information signals can be effected using any one of a plurality of different information protocols, by way of example only, an Ethernet or an Infiniband protocol. The decision on which information protocol to be used in a particular example can be decided in advance by providing a selected information protocol interface in the information processing modules. Alternatively, the selection of the appropriate information protocol interface can be effected dynamically at initialization or in use of the information processing module by including a plurality of information protocol interfaces for different protocol and enabling selection of the appropriate information protocol interface. Although in the described examples, two information protocols are described, namely an Ethernet protocol and an Infiniband protocol, it will be appreciated that the invention is not limited thereto and that other information protocols and/or more than two information protocols can be supported.(see column 1 lines 39-59 and column 2 lines 20-35 and column 33 lines 19-33 and column 38 lines 32-55).

Therefore it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teachings of Tsiounis to include adapter module

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adapted respective channels each of the adapter modules taught by Garnet in order to facilitate the buying and selling of products and services.

As per claim 2, Tsiounis discloses the payment processing system of claim 1, wherein at least one of the adapter modules is configured to communicate data with a mobile communications device consistent with an SSUSET communications protocol thereby ensuring a high level of security in communicating the customer financial account data. (see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 3, Tsiounis discloses further comprising a customer financial server responsive to the mobile communications device and communicatively coupled to the payment server, the customer-controlled server configured to transmit the set of customer financial account data at the high level of security sought by the financial institution. (see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 4, Tsiounis discloses wherein at least one of the adapter modules is configured to communicate data with a POS terminal consistent with a POS communications protocol thereby ensuring a high level of securing in communicating the customer financial account data. (see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 5, Tsiounis discloses wherein at least one of the adapter modules is configured to communicate data with a set top box arrangement consistent with a cable network communications protocol thereby ensuring a high level of securing in communicating the customer financial account data. (see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 6, Tsiounis discloses wherein at least one of the adapter modules is configured to communicate data with a set top box arrangement consistent with a satellite network communications protocol thereby ensuring a high level of securing in communicating the customer financial account data. (see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 8, Tsiounis discloses further comprising a merchant transactions database that includes historical information of payments processed by the payment

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server arrangement, wherein the historical information is configurable for demographic research.(see note abstract and see paragraph 0007, 0008, 0023-0069).

A per claim 9, Tsiounis discloses wherein the at least one of the adapter modules configured to communicate with a mobile communications device is also configured to communicate data with a vending machine and a kiosk, thereby reducing the number of adapter modules dedicated to the data communications devices. (see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 10, Tsiounis discloses a payment request processing arrangement configured and arranged for communication with a plurality of data communication devices via and communication with a plurality of data processing systems located at a plurality of financial institutions, each data communication device configured to transmit a payment request via a communication channel of one of a plurality of protocol types. wherein each protocol type is different from others of the plurality of protocol types, the arrangement comprising:

a payment server configured and arranged to be responsive to the plurality of data communications devices and including a database configured with a plurality of merchant identification codes each merchant identification code associated with a financial institution identification code in the database, the payment server further including a plurality of adapter modules coupled to the database, each adapter module executable on the server, compatible with one of the plurality of protocol types, and coupled to a respective one of the communications channels.(see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069) wherein each payment request includes a merchant identification code and a set of customer financial account data.(see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069) having a payment processing application configured to identify from the database a financial institution identification code associated with the merchant identification code from a payment request and interface with a data processing system of a financial institution identified by the financial institution identification code consistent with a communications protocol associated with the identified financial institution, and provide the merchant identification code and set of customer financial account data to the identified financial institution for

payment to a merchant identified by the merchant identification code.(see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069).

Tsiounis fail to explicitly teach adapter module.

However Garnet discloses for example a blade server can be provided for a high density computer system. To enhance reliability, multiple redundant information connections can be provided from the server blade. In the specifically described examples of the invention, the use of a serializer/deserializer as a physical layer interface in a blade server means that the communication of information signals can be effected using any one of a plurality of different information protocols, by way of example only, an Ethernet or an Infiniband protocol. The decision on which information protocol to be used in a particular example can be decided in advance by providing a selected information protocol interface in the information processing modules.

Alternatively, the selection of the appropriate information protocol interface can be effected dynamically at initialization or in use of the information processing module by including a plurality of information protocol interfaces for different protocol and enabling selection of the appropriate information protocol interface. Although in the described examples, two information protocols are described, namely an Ethernet protocol and an Infiniband protocol, it will be appreciated that the invention is not limited thereto and that other information protocols and/or more than two information protocols can be supported.(see column 1 lines 39-59 and column 2 lines 20-35 and column 33 lines 19-33 and column 38 lines 32-55).

Therefore it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teachings of Tsiounis to include adapter module taught by Garnet in order to facilitate the buying and selling of products and services.

As per claim 12, Tsiounis discloses further comprising a merchant transactions database that includes historical information of payments processed by the payment server arrangement, wherein the historical information is configurable for demographic research. (see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 13, Tsiounis discloses wherein at least one of the adapter modules is configured to communicate data with a set top box arrangement consistent with a cable

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network communications protocol thereby ensuring a high level of securing in communicating the customer financial account data.(see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 14, Tsiounis discloses a system for processing payment requests from a plurality of data communications devices, each payment request including a merchant identification code and a set of customer financial data, the system comprising:

a plurality of processor executable adapter modules, each adapter module configured to interface with one or more of the communications devices via a selected one of a plurals of communications channels, wherein each communications channel is one of a plurality of protocol types, and each protocol type is different from others of the plurality of protocol types. (see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069) means for receiving payment requests from the data communications devices at the communications channels;

a database coupled to the adapter modules and configured with a plurals of merchant identification codes, each merchant identification code associated with a financial institution identification code in the database. see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069) means for identifying from the database for each payment request, the financial institutions code associated with the merchant identification codes from the payment request, each financial institutions code identifying a financial institution having an associated data processing system for processing payment requests; and means for interfacing with the data processing systems of the financial institutions consistent with payment protocols associated with the financial institutions to provide the merchant identification codes and sets of customer financial account data to the identified financial institutions for payment to merchants identified by the merchant identification codes of payment request.(see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069).

Tsiounis fail to explicitly teach a plurality of adapter modules, each adapter module.

However Garnet discloses for example a blade server can be provided for a high density computer system. To enhance reliability, multiple redundant information



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connections can be provided from the server blade. In the specifically described examples of the invention, the use of a serializer/deserializer as a physical layer interface in a blade server means that the communication of information signals can be effected using any one of a plurality of different information protocols, by way of example only, an Ethernet or an Infiniband protocol. The decision on which information protocol to be used in a particular example can be decided in advance by providing a selected information protocol interface in the information processing modules.

Alternatively, the selection of the appropriate information protocol interface can be effected dynamically at initialization or in use of the information processing module by including a plurality of information protocol interfaces for different protocol and enabling selection of the appropriate information protocol interface. Although in the described examples, two information protocols are described, namely an Ethernet protocol and an Infiniband protocol, it will be appreciated that the invention is not limited thereto and that other information protocols and/or more than two information protocols can be supported. (see column 1 lines 39-59 and column 2 lines 20-35 and column 33 lines 19-33 and column 38 lines 32-55).

Therefore it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teachings of Tsiounis to include plurality of adapter modules, each adapter module taught by Garnet in order to facilitate the buying and selling of products and services.

As per claim 15, Tsiounis discloses a computer-implemented method for processing payment requests from a plurality of data communications devices, each payment request including a merchant identification code and a set of customer financial data, the method comprising:

Providing a plurality of processor executable adapted modules each adapted module configured to interface with one or more of the communications devices via a selected one of a plurality of communications channels, wherein each communications channel is one of a plurality of protocol types, and each protocol type is different from others of the plurality of protocol types. (see note abstract and see paragraph 0007, 0008, 0023-0069) configuring a database coupled to the adapter modules with a plurality of

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merchant identification codes and financial institution identification codes wherein each merchant identification code is associated with a financial institution identification code in the database receiving payment requests from the data communications devices at the adapter modules via the communications channels. (see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069) identifying, using the database for each payment request, the financial institutions code associated with the merchant identification codes, each financial institution identified by a financial institution code having an associated data processing system for processing payment requests.(see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069) and interfacing, for each payment request, with the data processing systems of the identified financial institutions consistent with a payment protocols associated with the identified financial institutions, and providing the merchant identification code and set of customer financial account data to the identified financial institution for payment to a merchant identified by the merchant identification code.(see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069).

Tsiounis fail to explicitly teach a plurality of adapter modules, each adapter module.

However Garnet discloses for example a blade server can be provided for a high density computer system. To enhance reliability, multiple redundant information connections can be provided from the server blade. In the specifically described examples of the invention, the use of a serializer/deserializer as a physical layer interface in a blade server means that the communication of information signals can be effected using any one of a plurality of different information protocols, by way of example only, an Ethernet or an Infiniband protocol. The decision on which information protocol to be used in a particular example can be decided in advance by providing a selected information protocol interface in the information processing modules.

Alternatively, the selection of the appropriate information protocol interface can be effected dynamically at initialization or in use of the information processing module by including a plurality of information protocol interfaces for different protocol and enabling selection of the appropriate information protocol interface. Although in the described examples, two information protocols are described, namely an Ethernet protocol and an Infiniband protocol, it will be appreciated that the invention is not limited thereto and that

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other information protocols and/or more than two information protocols can be supported.(see column 1 lines 39-59 and column 2 lines 20-35 and column 33 lines 19-33 and column 38 lines 32-55).

Therefore it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teachings of Tsiounis to include plurality of adapter modules, each adapter module taught by Garnet in order to facilitate the buying and selling of products and services.

As per claim 16, Tsiounis discloses after the interfacing step, further comprising: processing payment at the identified financial institutions; and storing the processed payment as data in a merchant transactions database. (see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 17, Tsiounis discloses wherein the step of identifying the financial institutions includes providing a merchant/bank identification database that includes historical information of processed payments, wherein the historical information is configurable for demographic research. (see note abstract and see paragraph 0007, 0008, 0023-0069).

## **Conclusion**

### **Response to Arguments**

4. Applicant's argument filed 10/10/06 has been fully considered but they are not persuasive for the following reasons.

5. In response to Applicant's arguments that Tsiounis and Garnett fail to teach or suggest" that the adapter modules are coupled to the database and executable on the server, and each adapter module includes a payment processing application configured to identify from the database a financial institution identification code associated with the merchant identification code from a payment request and a plurality of adapter modules coupled to the database, each adapter module executable on the server arrangement, compatible" with one of the plurality of protocol types and apparent adapter modules or a database" however the Examiner disagrees with Applicants because these limitations were addressed stated.

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Tsiounis discloses a payment processing system a plurality of data communications devices adapted to transmit a plurality of payment requests in connection with purchases, each data communications devices configured to transmit the payment requests via a communication channels of one of a plurality of protocol types, wherein each protocol type is different from others of the plurality of protocol types (i. e, protocols" see paragraphs 0025 and 0008") and each payment request includes a merchant identification code(i. e, merchant id number" see paragraph 0036) and a set of customer financial account data.(see note abstract and see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069) a payment server(see paragraph 00080) arrangement including a database (see paragraph 0052-0053 and 0077) configured with a plurality of merchant identification codes, each merchant identification code associated with a financial institution identification code in the database the payment server arrangement further including a plurality of adapter modules coupled to the database(see paragraph 0052-0053 and 0077) each adapter module executable on the server arrangement, compatible with one of the plurality of protocol types see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069), and coupled to a respective one of the communications channels, each having a payment processing application configured to identify from the database a financial institution identification code associated with the merchant identification code from a payment request and interface with a data processing system of a the-financial institution identified by the financial institution identification code consistent with a communications protocol associated with the identified financial institution, see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069) and provide the merchant identification code and set of customer financial account data to the identified financial institution for payment to a merchant identified by the merchant identification code and receive the payment requests from the data communications devices. see paragraphs 0007-0009, 0025 and 0036 and 00080 0023-0069 and see paragraph 0052-0053 and 0077).

Applicant's is further reminded that a server is database.(see paragraph 0052-0053 and 0077).

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Garnet discloses for example a blade server can be provided for a high density computer system. To enhance reliability, multiple redundant information connections can be provided from the server blade. In the specifically described examples of the invention, the use of a serializer/deserializer as a physical layer interface in a blade server means that the communication of information signals can be effected using any one of a plurality of different information protocols, by way of example only, an Ethernet or an Infiniband protocol. The decision on which information protocol to be used in a particular example can be decided in advance by providing a selected information protocol interface in the information processing modules. Alternatively, the selection of the appropriate information protocol interface can be effected dynamically at initialization or in use of the information processing module by including a plurality of information protocol interfaces for different protocol and enabling selection of the appropriate information protocol interface. Although in the described examples, two information protocols are described, namely an Ethernet protocol and an Infiniband protocol, it will be appreciated that the invention is not limited thereto and that other information protocols and/or more than two information protocols can be supported. (see column 1 lines 39-59 and column 2 lines 20-35 and column 33 lines 19-33 and column 38 lines 32-55).

Therefore it is obviously clear that Applicant's claimed limitations are taught within the teachings of Tsiounis and Garnet.

6. Applicant also maintains that Tsiounis and Garnet cannot be combined, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The rationale to modify or combine the prior art does not have to be expressly stated in the prior art; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from knowledge generally available to one of ordinary skill in the art,

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established scientific principles, or legal precedent established by prior case law. In re Fine, 837 F.2d 1071, 5USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). See also In re Eli Lilli & Co., 902 F.2d 943, 14 USPQ2d 1741 (Fed. Cir. 1990) (discussion of reliance on legal precedent); In re Nilssen, 851 F.2d 1401, 7USPQ2d 1500 (Fed. Cir. 1988) (references do not have to explicitly suggest combining teachings); Ex parte Clapp, 227 USPQ 972 (Bd. Pat. App & Inter); and Es parte

Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) (reliance on logic and sound scientific reasoning).

Also in reference to Ex parte Levengood, 28 USPQ2d, 1301, the court stated that "Obviousness is a legal conclusion, the determination of which is a question of patent law. Motivation for combining the teachings of the various references need not to explicitly found in the reference themselves, In re Keller, 642 F.2d 413, 208USPQ 871 (CCPA 1981). Indeed, the Examiner may provide an explanation based on logic and sound scientific reasoning that will support a holding of obviousness. In re Soli, 317 F.2d 941 137 USPQ 797 (CCPA 1963)."

7. With respect to Applicant's second argument, Examiner respectfully submits that obviousness is not determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See In re Oetiker, 977F. 2d 1443, 1445,24 USPQ2d 1443, 1444 (Fed. Cir. 1992); In re Hedges, 783F.2d 1038, 1039, 228 USPQ\* 685, 686 (Fed. Cir.1992); In re Piaseckii, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir.1984); In re Rinehart, 531 F.2d 1048, 1052, 189 USPQ 143, 147 (CCPA 1976). Using this standard, the Examiner respectfully submits that he has at least satisfied the burden of presenting a prima facie case of obviousness, since he has presented evidence of corresponding claim elements in the prior art and has expressly articulated the combinations and the motivations for combinations that fairly suggest Applicant's claimed invention. Note, for example, in the instant case, the Examiner respectfully notes that each and every motivation to combine the applied references are accompanied by select portions of the respective reference(s) which specially support that particular motivation and /or an explanation based on the logic and

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scientific reasoning of one ordinarily skilled in the art at the time of the invention that support a holding of obviousness. As such, it is not seen that the Examiner's combination of references is unsupported by the applied prior art of record. Rather, it is respectfully submitted that explanation based on the logic and scientific reasoning of one of ordinarily skilled in the art at the time of the invention that support a holding of obviousness has been adequately provided by the motivations and reasons indicated by the Examiner, Ex pane Levengood, 28 USPQ2d 1300(Bd. Pat. App &.,4/293 Therefore the combination of reference is proper and the rejection is maintained.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications should be directed to Clement B Graham whose telephone number is 272-571-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 272-571-6777. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

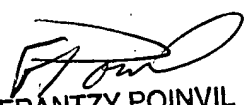
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December 12, 2006

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
*AU 3692*